

WEDNESDAY, MAY 5, 1993

FORTY-SECOND LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Brother Wendell Byrd, Wingate Church of Christ, Nashville.

Representative Clark led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Chiles; illness.

Representative Jackson; illness.

Representative Venable; business in district.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

PRESENT IN CHAMBER

Representative(s) Kernell was/were recorded as being present in the Chamber.

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**REPORT OF COMMITTEE ON CALENDAR AND RULES**

May 4, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Wednesday, May 5, 1993: House Bill(s) No(s). 540, 735, 210, 1447, 885, 1556, 920, 888 and 454.

The Committee set the following bills on the Regular Calendar for Thursday, May 6, 1993: House Bill(s) No(s). 721.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, May 10, 1993: House Bill(s) No(s). 1446; House Joint Resolution(s) No(s). 193, 127 and 156.

We further report that the following was/were considered but failed to pass: Senate Bill(s) No(s). 749.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on Tuesday, May 4, 1993, reported the following:

**COMMERCE**

The Commerce Committee recommended for passage: House Bill(s) No(s). 1412 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

**CONSUMER AND EMPLOYEE AFFAIRS**

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 1103 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

**FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1445, 70, 786 and 1207; also, House Bill(s) No(s). 1276 and 751 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

**GOVERNMENT OPERATIONS**

The Government Operations Committee recommended for passage: House Bill(s) No(s). 337. Under the rules, each was transmitted to the Calendar and Rules Committee.

**STATE AND LOCAL GOVERNMENT**

The State and Local Government Committee recommended for

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passage: House Bill(s) No(s). 1477 and 1513; House Bill(s) No(s). 1045, 891 and 1111 with amendment(s); for adoption: House Joint Resolution(s) No(s). 214, 183 and 152; House Joint Resolution(s) No(s). 188 and 81 with amendment(s); also for concurrence: Senate Joint Resolution(s) No(s). 158. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1573, also, House Bill(s) No(s). 1582, 1360, 804 and 1316 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

**ENGROSSED BILLS**

**May 4, 1993**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 590.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**May 4, 1993**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 24, 234, 746, 979, 1202, 1286 and 1655; House Joint Resolution(s) No(s). 47 and 62; also, House Resolution(s) No(s). 23, 28, 29, 30, 31, 32, 33, 34, 35 and 50.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 4, 1993**

The Speaker announced that he had signed the following: House Bill(s) No(s). 24, 234, 746, 979, 1202, 1286 and 1655; House Joint Resolution(s) No(s). 47 and 62; also, House Resolution(s) No(s). 23, 28, 29, 30, 31, 32, 33, 34, 35 and 50.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**May 5, 1993**

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Thursday, May 6, 1993: House Bill(s) No(s). 1159, 462, 1253, 1254, 1367, 1419, 1281 and 558; also, House Joint Resolution(s) No(s). 187, 44 and 185.

The Committee set the following bills on the Regular Calendar

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for Wednesday, May 12, 1993: House Bill(s) No(s). 1117.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, May 10, 1993: House Bill(s) No(s). 1372.

#### **REPORTS FROM STANDING COMMITTEES**

The committees that met on Wednesday, May 5, 1993, reported the following:

##### **CONSERVATION AND ENVIRONMENT**

The Conservation and Environment Committee recommended for adoption: House Joint Resolution(s) No(s). 261, 262, 263 and 264. Under the rules, each was transmitted to the Calendar and Rules Committee.

##### **FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 286, 495, 819, 994, 205 and 564; also, House Bill(s) No(s). 1070, 457, 1142, 937, 990, 758, 1289, 736 and 1049 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

##### **JUDICIARY**

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1152, 1065, 1509, 871, 1485, 787, 440 and 1658 with amendment(s); also, for adoption: House Joint Resolution(s) No(s). 210 and 253. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 432, 828, 619 and 713 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

##### **MESSAGE FROM SENATE**

**May 5, 1993**

MR. SPEAKER: I am directed to request the return of House Bill No. 656, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

##### **MESSAGE FROM THE SENATE**

**May 5, 1993**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 509.

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The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, adopted Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1534; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1642, 1649, 1652 and 1653; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 241, 270, 271, 272 and 275; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 162, 756, 1195 and 1226; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1102; substituted for Senate Bill(s) on same

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subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 820; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 200, 203, 204, 205 and 206; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0200 -- Memorials, Sports -- 1992 Marion High School football team, TSSAA Class AA state champions. by \*Eisea.

Senate Joint Resolution No. 0203 -- Memorials, Public Service -- Gibson County Office on Aging and Bradford Senior Citizens, community involvement. by \*McKnight.

Senate Joint Resolution No. 0204 -- Memorials, Retirement -- Neil Lentz Grissom, West Elementary School, McMinnville. by \*Cooper.

Senate Joint Resolution No. 0205 -- Memorials, Retirement -- Dr. O.L. Merritt. by \*Wallace.

Senate Joint Resolution No. 0206 -- Memorials, Retirement -- Eugenia Walker, West Elementary School, McMinnville. by \*Cooper.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 771, 1495, 1611, 1643, 1644, 1646 and 1647; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 0771 -- Motor Vehicles, Titling and Registration -- Permits owners of motor vehicles to purchase decal bearing the name of certain municipalities in lieu of name of county of residence for display on license plate. Amends TCA, Title 55. by \*McKnight.

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**Senate Bill No. 1495 -- Local Government, General --** Deletes exemption for parcels of property where owner-occupied residence is located, permitting county to remedy dangerous conditions, including overgrown vegetation, trash and vacant dilapidated buildings. Amends TCA 5-1-115. by \*McKnight.

**Senate Bill No. 1611 -- Anderson County --** Includes government owned or operated hotels in privilege tax on occupancy of hotels; exempts not for profit corporations from tax. Amends Chapter 193, Private Acts of 1990. by \*McNally.

**Senate Bill No. 1643 -- School Districts, Special --** Authorizes Oneida Special School District to refinance bonded indebtedness. by \*O'Brien.

**Senate Bill No. 1644 -- Fayetteville --** Revises provisions relative to offices of mayor, aldermen and city administrator. Amends Chapter 294, Acts of 1903, as amended. by \*Cooper.

**Senate Bill No. 1646 -- Monroe County --** Enacts wheel tax. by \*Patten.

**Senate Bill No. 1647 -- Copperhill --** Enacts new charter. Amends Chapter 93, Private Acts of 1913, as amended. by \*Patten.

**HOUSE BILL RETURNED**

The Clerk returned House Bill No. 656 to the Senate as requested.

**RESOLUTIONS**

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, May 6, 1993:

**House Resolution No. 0057 -- Memorials, Interns --** Bryan Darrell Collins. by \*Liles, \*McKee, \*Anderson.

**House Joint Resolution No. 0280 -- Memorials, Personal Occasion --** C. Ray and Mary Alice Dobbins, Fiftieth Wedding Anniversary. by \*Odom.

**House Joint Resolution No. 0281 -- Memorials, Death --** Jackson C. Kramer. by \*Ritchie.

**House Joint Resolution No. 0282 -- Memorials, Death --** James Robinson. by \*Chiles.

**House Joint Resolution No. 0283 -- Memorials, Recognition and Thanks --** Lillard Family. by \*Joyce.

**House Joint Resolution No. 0284 -- Memorials, Interns --** Chad Thompson. by \*Boyer.

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House Joint Resolution No. 0285 -- Memorials, Death -- Judge John B. Bond. by \*Crain.

House Joint Resolution No. 0286 -- Memorials, Interns -- Jennifer Gingery. by \*Jones R, \*Love, \*Johnson, \*Garrett, \*Kernell, \*Chumney, \*Buck, \*Herron.

### SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Thursday, May 6, 1993:

Senate Joint Resolution No. 0188 -- Memorials, Academic Achievement -- Tulip Grove Elementary School, "Overall Excellence Award".

Senate Joint Resolution No. 0189 -- Memorials, Public Service -- George Huffman.

Senate Joint Resolution No. 0200 -- Memorials, Sports -- 1992 Marion High School football team, TSSAA Class AA state champions.

Senate Joint Resolution No. 0203 -- Memorials, Public Service -- Gibson County Office on Aging and Bradford Senior Citizens, community involvement.

Senate Joint Resolution No. 0204 -- Memorials, Retirement -- Nell Lentz Grissom, West Elementary School, McMinnville.

Senate Joint Resolution No. 0205 -- Memorials, Retirement -- Dr. O.L. Merritt.

Senate Joint Resolution No. 0206 -- Memorials, Retirement -- Eugenia Walker, West Elementary School, McMinnville.

### RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

\*Senate Joint Resolution No. 0157 -- Memorials, Government Officials -- Urges creation of JOBSWORK Community Service Pilot Program.

Finance, Ways and Means Committee.

Senate Joint Resolution No. 0167 -- Memorials, Congress -- Requests route of Interstate 69 extension pass through underdeveloped area of West Tennessee.

Transportation Committee.



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\*Senate Joint Resolution No. 0187 -- Highway Signs -- Redesignates bridge spanning Cumberland River on I-265 in Davidson County as "Lyle Houston Fulton, Jr. Bridge" and bridge spanning river on Cumberland River on Main Street as "Victory Memorial Bridge".

Transportation Committee.

Senate Joint Resolution No. 0201 -- Naming and Designating -- Designates "Nurses' Week," May 6-12, 1993.

Calendar and Rules Committee.

#### SENATE BILLS ON FIRST CONSIDERATION

On motion, the bill(s) listed was/were held on the Clerk's desk:

\*Senate Bill No. 1525 -- Courts, General Sessions -- Confers concurrent jurisdiction over workers' compensation cases and probate cases on general sessions court of Hawkins County. Amends TCA, Title 16, Ch. 15, Pt. 50.

#### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were Held on the Clerk's desk pending third consideration of the companion House Bill as noted:

\*Senate Bill No. 0055 -- Highways, Roads and Bridges -- Enacts "Bicentennial Beautification Act of 1993". (HB 0463).

\*Senate Bill No. 0196 -- Limitation of Actions -- Provides for no time limit on actions against sellers or manufacturers of silicone breast implants. Amends TCA 29-28-103. (HB 1420).

\*Senate Bill No. 0246 -- Correctional Programs -- Enacts "Victim-Offender Mediation Center Act of 1993"; appropriates funds. (HB 1230).

\*Senate Bill No. 0809 -- Workers' Compensation -- Limits personal liability for breach of fiduciary duties of self insurers organized under workers' compensation laws. Amends TCA 48-58-601. (HB 1212).

\*Senate Bill No. 1060 -- Criminal Procedure -- Prohibits court in contested criminal cases from charging jury as to range of punishment or penalties for offense charged or lesser included offenses. Amends TCA 40-35-201. (HB 0854).

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and

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were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**\*House Bill No. 1623 -- Election Laws -- State and Local Government Committee.**

**House Bill No. 1629 -- Election Laws -- Finance, Ways and Means Committee.**

**House Bill No. 1661 -- Trimble -- Held on Clerk's desk pending approval by local delegation.**

**CONSENT CALENDAR**

**House Resolution No. 0051 -- Memorials, Professional Achievement -- Margaret Akers, Vanderbilt graduate.**

**House Resolution No. 0052 -- Memorials, Professional Achievement -- Todd Campbell, Deputy Counsel and Director of Administration for Vice President Al Gore.**

**House Resolution No. 0054 -- Memorials, Interns -- Marlene Sanders.**

**House Resolution No. 0055 -- Memorials, Interns -- Stan Little.**

**House Joint Resolution No. 0273 -- Memorials, Sports -- Jefferson County High School Band.**

**House Joint Resolution No. 0274 -- Memorials, Recognition and Thanks -- Southside Elementary School "Grandparents Group".**

**House Joint Resolution No. 0276 -- Memorials, Recognition and Thanks -- Company M 3D SQDN, 278th ARMD CAV REGT, assistance during blizzard.**

**House Joint Resolution No. 0277 -- Memorials, Interns -- Johnny L. Stewart.**

**House Joint Resolution No. 0278 -- Memorials, Death -- Dr. Frank D. McClelland, Maryville.**

**House Joint Resolution No. 0279 -- Memorials, Personal Occasion -- Herbert and Gladys Green, 65th Wedding Anniversary.**

**Senate Joint Resolution No. 0143 -- Memorials, Sports -- Vanderbilt University men's basketball team.**

**Senate Joint Resolution No. 0191 -- Memorials, Retirement -- Dr. Don Lambert.**

**Senate Joint Resolution No. 0193 -- Memorials, Interns -- John Brian Ratledge.**

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Senate Joint Resolution No. 0196 -- Memorials, Recognition and Thanks -- Bridge Builders.

Senate Joint Resolution No. 0197 -- Memorials, Interns -- Randy H. Binkley.

Senate Joint Resolution No. 0199 -- Memorials, Sports -- 1992-1993 Christian Academy of Knoxville boys' basketball team.

Senate Joint Resolution No. 0202 -- Memorials, Professional Achievement -- David A. Rice, Industrialist of The Year for Montgomery County.

### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

Senate Joint Resolution No. 143: by Rep. Love.

Under the rules, Senate Joint Resolution No. 143 was/were placed at the foot of the calendar for Thursday, May 6, 1993.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kiser, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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REGULAR CALENDAR

\*Senate Bill No. 0815 -- Chiropractors -- Adds position of vice president to board of chiropractic examiners. Amends TCA, Title 63, Ch. 4.

Further consideration of Senate Bill No. 815, previously considered on April 7, 1993, at which time it was substituted for House Bill No. 527, a motion to table Amendment No. 1 failed, then the bill was reset to the Calendar for May 5, 1993.

Rep. Armstrong moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend Senate Bill No. 815 by deleting the following language of the amendment:

"by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Title 63, Chapter 4, is amended by adding the following language as a new appropriately designated section:"

and substituting instead the following new language:

"by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 63-4-101, is amended by deleting item (6) of subsection (d) in its entirety.

Tennessee Code Annotated, Section 63-4-101, is further amended in subsection (d) by deleting from item (8) the words "or analysis of body fluids".

Section \_\_\_\_ Tennessee Code Annotated, Section 63-4-101, is amended by adding the following language as a new appropriately designated subsection:

Rep. Clark moved the previous question, which motion prevailed,

On motion, Amendment No. 1 to Amendment No. 1 was adopted by the following vote:

Ayes	66
Noes	23
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Bell,

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Bittle, Boyer, Bragg, Brooks, Brown, Buck, Chumney, Clark, Cole Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Kent, Kernell, Kisber, Lewis, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Allen, Byrd, Callicott, Coffey, Duer, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Joyce, Knight, Liles, McAfee, McDaniel, Peroulas Draper, Rhinehart, Stamps, Stulce, Turner (Hamilton), Westmoreland, Williams (Williamson), Wood -- 23.

Representatives present and not voting were: Hargrove, Whitson -- 2.

#### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from no to aye on Amendment No. 1 to Amendment No. 1 on Senate Bill No. 815 and have this statement entered in the Journal: Rep(s). Joyce.

#### REGULAR CALENDAR, CONTINUED

Rep. Armstrong moved to adopt Amendment No. 1, as amended.

Rep. Stamps moved to table Amendment No. 1, as amended, which motion he then withdrew.

Rep. Stamps moved that Amendment No. 1, as amended, be tabled, which motion failed by the following vote:

Ayes. . . . .	31
Noes. . . . .	63

Representatives voting aye were: Allen, Anderson, Bittle, Byrd, Coffey, Cole (Carter), Duer, Fisher, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Kent, Liles, McAfee, McDaniel, Peroulas Draper, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Stamps, Stulce, Turner (Hamilton), Westmoreland, Whitson, Williams (Williamson), Wix, Wood -- 31.

Representatives voting no were: Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Callicott, Chumney, Clark, Cole (Dyer), Collier, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Love, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ritchie,

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Robinson, Shirley, Stockburger, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Mr. Speaker Naifeh -- 63.

Rep. Rhinehart moved that Senate Bill No. 815 be reset to the Calendar for Thursday, May 6, 1993.

Rep. Clark moved to table the motion to reset, which motion prevailed by the following vote:

Ayes. . . . .	51
Noes. . . . .	41
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Arriola, Boyer, Brooks, Brown, Buck, Chumney, Clark, Cole (Dyer), Collier, Davidson, Davis, DeBerry, Dixon, Ferguson, Fowlkes, Haley, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kisber, Liles, Love, Meyer, Miller, Mires, Moore, Odom, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Ritchie, Robinson, Severance, Shirley, Stockburger, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Union), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Byrd, Callicott, Coffey, Cole (Carter), Crain, Cross, Duer, Fisher, Givens, Gunnels, Halteman Harwell, Hassell, Haun, Johnson, Joyce, Kent, Knight, Lewis, McAfee, McDaniel, McKee, Napier, Owenby, Peroulas, Draper, Phelan, Ramsey, Rhinehart, Rigby, Rinks, Stamps, Stulce, Turner (Hamilton), Westmoreland, Whitson, Williams (Shelby), Wix, Wood -- 41.

Representatives present and not voting were: Bragg -- 1.

Rep. Clark moved the previous question on Amendment No. 1 as amended, which motion prevailed.

On motion, Amendment No. 1, as amended, was adopted by the following vote:

Ayes. . . . .	60
Noes. . . . .	34

Representatives voting aye were: Armstrong, Arriola, Boyer, Bragg, Brooks, Brown, Buck, Chumney, Clark, Cole (Dyer), Collier, Cross, Davis, DeBerry, Dixon, Ferguson, Fowlkes, Givens, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Love, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Ritchie, Robinson, Severance, Shirley, Stockburger, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Allen, Anderson, Bell, Bittle,

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Byrd, Callicott, Coffey, Cole (Carter), Crain, Davidson, Duer, Fisher, Gunnels, Haley, Halteman Harwell, Hassell, Kent, Lewis, Liles, McAfee, McDaniel, Meyer, Peroulas Draper, Rhinehart, Rigsby, Rinks, Stamps, Stulce, Turner (Hamilton), Westmoreland, Whitson, Williams (Williamson), Wix, Wood -- 34.

A motion to reconsider was tabled.

Rep. Stamps moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 815 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Odom moved the previous question, which motion prevailed.

Rep. Stamps moved passage of Senate Bill No. 815, as amended, on third and final consideration, which motion failed by the following vote:

Ayes. . . . .	47
Noes. . . . .	42
Present and not voting. . . . .	4

Representatives voting aye were: Boyer, Brooks, Brown, Buck, Chumney, Clark, Davidson, Davis, DeBerry, Dixon, Ferguson, Fowlkes, Head, Herron, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Love, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Ritchie, Robinson, Severance, Shirley, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Windle, Winningham, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Bragg, Byrd, Callicott, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Duer, Fisher, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Hillis, Knight, Lewis, Liles, McDaniel, Meyer, Peroulas Draper, Phelan, Ramsey, Rhinehart, Rigsby, Rinks, Stamps, Stockburger, Stulce, Turner (Hamilton), Westmoreland, Whitson, Williams (Union), Williams (Williamson), Wix, Wood -- 42.

Representatives present and not voting were: Arriola, Hargrove, Haun, Johnson -- 4.

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Pursuant to Rule No. 39, Senate Bill No. 815, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

#### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 0698 -- Fire Prevention and Investigation --** Transfers arson investigators from department of commerce and insurance to TBI; establishes arson investigation division. Amends TCA, Title 38, Ch. 6; Title 68, Ch. 102.

Further consideration of House Bill No. 698, previously considered on March 8, 24 and April 21, 1993, at which time Amendment No. 1 was moved to the heel of the Amendments; a motion was made to adopt Amendment No. 2, and the bill was reset to the Calendar for May 5, 1993.

Rep. Kisber moved that House Bill No. 698 be reset to the last available space on the last available Calendar for 1993, which motion prevailed.

**\*House Bill No. 0346 -- Hospitals and Health Care Facilities --** Enacts "Tennessee Hospital Cooperation Act". Amends TCA, Title 68, Ch. 11.

On motion, House Bill No. 346 was made to conform with Senate Bill No. 775; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 775 be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. McDaniel moved to adopt Amendment No. 2 as follows:

#### Amendment No. 2

AMEND Senate Bill No. 775 by adding in SECTION 2 the following new subsection (5):

(5) "Intervenor" means any hospital, physician, allied health professional, healthcare provider or other person furnishing goods or services to, or in competition with hospitals, insurer, hospital service corporation, medical service corporation, hospital and medical services corporation, preferred provider organization, health



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maintenance organization, or any employer or association that directly or indirectly provides health care benefits to its employees or members.

AND FURTHER AMEND by adding in SECTION 3(c) after the first sentence the following new language:

The department shall give notice of the application to interested parties by publishing a notice in the Tennessee Administrative Register in accordance with the Uniform Administrative Procedures Act. Any intervenor may intervene in the proceeding and shall have standing under the Uniform Administrative Procedures Act.

AND FURTHER AMEND by deleting in SECTION 3(d) the first sentence and substituting instead the following:

After consultation with and agreement from the attorney general, the department shall issue a certificate of public advantage for a cooperative agreement if it determines that the applicants have demonstrated by clear and convincing evidence that the likely benefits resulting from the agreement outweigh any disadvantages attributable to a reduction in competition that may result from the agreement.

AND FURTHER AMEND by deleting in SECTION 3(d)(2) in the first sentence the word "may" and substituting the word "shall".

AND FURTHER AMEND by adding in SECTION 3(e) after the first sentence the following new language:

The attorney general may consult with the United States Department of Justice or the Federal Trade Commission regarding its evaluation of any potential reduction in competition resulting from a cooperative agreement.

AND FURTHER AMEND by deleting in SECTION 5 the language "Section 4" wherever it appears and by substituting instead "Section 3".

AND FURTHER AMEND by deleting in SECTION 5(f) the language "Section 7" wherever it appears and by substituting instead "Section 6".

AND FURTHER AMEND by renumbering SECTION 8 as SECTION 10 and by adding the following new language as SECTION 8:

SECTION 8. Unless otherwise permitted by law, nothing in this act shall be deemed to grant any hospital or group of hospitals pursuant to a cooperative agreement the authority to operate as a health maintenance organization, preferred provider organization or insurer without obtaining an appropriate license from the department of commerce and insurance. Nothing in this act shall be

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deemed to grant any hospital or group of hospitals pursuant to a cooperative agreement the authority to negotiate terms, prices or reimbursement rates with insurers, health maintenance organizations or preferred provider organizations otherwise prohibited under federal or state antitrust laws.

AND FURTHER AMEND by adding the following new language as SECTION 9:

SECTION 9. Nothing in this act shall be deemed to permit any referral to a provider-owned facility otherwise prohibited by state or federal law.

Rep. McDaniel requested that Senate Bill No. 775 be moved down 7 places on the Calendar.

\*Senate Bill No. 0667 -- Licenses -- Revises licensure provisions of alarm systems contractors. Amends TCA, Title 62, Ch. 32, Pt. 3.

Further consideration of Senate Bill No. 667, previously considered on April 19, 1993, at which time it was substituted for House Bill No. 426, Amendment No. 1 was withdrawn, the bill was then reset to the Calendars for April 26 and April 28, May 5, 1993.

Rep. Collier moved that Senate Bill No. 667 be passed on third and final consideration.

Rep. Boyer moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Collier moved to adopt Amendment No. 3 as follows:

#### Amendment No. 3

Amend Senate Bill No. 667 by changing SECTION 12 as follows:

Section 12. Tennessee Code Annotated, Section 63-32-305(11) is amended by adding the following as a second sentence:

Locksmiths who install only mechanical locks or mechanical locks that have an integral alarm as part of its design without electrical components and electro-mechanical locks such as self-contained, low voltage exit alarm devices that secure a single entry point, which are not part of an integrated system, are also exempt from the requirements of this part.

and by adding SECTION 13. as follows:

SECTION 13. Section 4 of this act shall take effect

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July 1, 1994. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Crain moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Severance moved to adopt Amendment No. 5 as follows:

**Amendment No. 5**

Amend Senate Bill No. 667 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 62-32-305, is amended by adding the following new subdivision:

( ) A company which does not provide monitoring services and which has fifty million dollars (\$50,000,000) or more in annual sales and whose product requires no internal building wiring to install.

On motion, Amendment No. 5 was adopted.

Rep. Collier moved that Senate Bill No. 667, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	50
Noes. . . . .	32

Representatives voting aye were: Anderson, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Callicott, Chumney, Clark, Cole (Dyer), Collier, Cross, Davis, DeBerry, Fowlkes, Haley, Halteman Harwell, Hassell, Huskey, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Liles, Love, McDaniel, McKee, Mires, Moore, Napier, Odom, Owenby, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rinks, Ritchie, Severance, Stamps, Thompson, Turner (Shelby), West, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 50.

Representatives voting no were: Allen, Armstrong, Arriola, Byrd, Coffey, Crain, Davidson, Ferguson, Givens, Gunnels, Haun, Herron, Hillis, Jones U (Shelby), Joyce, Knight, Lewis, Meyer, Miller, Ramsey, Shirley, Stockburger, Stulce, Tindell, Turner (Hamilton), Walley, Westmoreland, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 32.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to no on Senate Bill No. 667 and have this statement entered in the Journal: Rep(s). Fisher, Peroulas Draper and Whitson.

REGULAR CALENDAR, CONTINUED

\*Senate Bill No. 0377 -- Corporations -- Revises municipal incorporation laws. Amends TCA, Title 6, Chs. 1, 18, 30.

Further consideration of Senate Bill No. 377, previously considered on April 26 and 28, 1993, at which time it was substituted for House Bill No. 260; Amendment(s) No(s). 1, 3, 4 and 5 were withdrawn; Amendments Nos. 2 and 6 were adopted; and the bill was reset to the Calendar for May 5, 1993.

Rep. Bragg moved that Senate Bill No. 377 be passed on third and final consideration.

Rep. Bragg moved to adopt Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 667 in the amendatory language in SECTION 1 and SECTION 5 by deleting from the first sentence in the first full paragraph in each section the language "and the property tax rate to be levied" and replacing it with "the revenue from purely local sources to be payable annually".

AND FURTHER AMEND IN THE amendatory language in SECTION 1, SECTION 5, and SECTION 8 at the end of the first full paragraph of each section by deleting the language "and a property tax rate to be annually levied upon all taxable property in the area to be incorporated" and replacing it with "and the revenue from purely local sources to be payable annually".

AND FURTHER AMEND in the amendatory language in SECTION 1, SECTION 5 and SECTION 8 by adding the following sentence at the end of the first full paragraph in each section:

Municipalities that are first incorporated on or after July 1, 1993, that produce no local own source revenues in any fiscal year shall not receive any state-shared revenues during the next fiscal year.

On motion, Amendment No. 7 was adopted.

Rep. Callicott moved the previous question, which motion prevailed.

Rep. Bragg moved that Senate Bill No. 377, as amended, be passed

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on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . . 75  
Noes. . . . . 12  
Present and not voting. . . . . 6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Fowkes, Givens, Gunneals, Hailey, Halteman, Harwell, Hargrove, Haun, Head, Herron, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Boyer, Cross, Duer, Ferguson, Hassell, Hillis, Peroulas Draper, Ramsey, Ridgeway, Shirley, Windle, Winningham -- 12.

Representatives present and not voting were: Brooks, Fisher, Joyce, Kernell, Pinion, Whitson -- 6.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 377 and have this statement entered in the Journal: Rep(s). Westmoreland.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 1548 -- Municipal Government -- Provides if municipality's wastewater system has been in operation less than three years or total equity is four times greater than debt, depreciation expense is not considered in determining operating deficit. Amends TCA 68-221-1010.

Further consideration of House Bill No. 1548, previously considered on April 26 and 28, 1993, at which time it was reset to the Calendar for May 5, 1993.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

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REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 1548 was made to conform with Senate Bill No. 743; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 743 be passed on third and final consideration.

Rep. Williams (Williamson) moved to adopt Amendment No. 14 seconded by Rep. Bragg, as follows:

Amendment No. 1

AMEND Senate Bill No. 743 by deleting everything after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-221-1010, is amended by adding the following sentence after the first sentence in subsection (a)(1):

However if a wastewater system has total equity at least four (4) times greater than total debt, depreciation expense shall not be considered in determining the above criteria for filing the report with the board.

SECTION 2. Tennessee Code Annotated, Section 68-221-1010, is amended by adding the following to subsection (a):

It is the intent of this paragraph to permit and encourage the orderly development of wastewater facilities capable of meeting anticipated growth without overburdening initial users of the facility. In any local government having a wastewater facility, for the first seven (7) years after the beginning of operations there may be a phase in of depreciation costs, as hereinafter provided. In determining whether a facility has a retained earnings deficit or an operating deficit, during the first seven (7) years of operations, depreciation expense shall not be considered. After seven (7) years of operations all depreciation expense shall be considered.

In determining whether a facility has a retained earnings deficit or operating deficit, amounts derived from tap fees, connection charges, or other related fees and charges which are considered contributed capital, shall be considered revenue.

SECTION 3. This act shall take effect upon passage, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Rep. Bragg moved that Senate Bill No. 743, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1143 -- Taxes, Privilege -- Authorizes employing state or local government to pay professional privilege tax for employees. Amends TCA, Title 67, Ch. 4, Pt. 17.

Further consideration of House Bill No. 1143, previously considered on April 21, 26 and 29, at which time Amendments Nos. 1 and 2 were adopted, and the bill was reset to the Calendar for May 5, 1993.

Rep. West moved that House Bill No. 1143, as amended, be passed on third and final consideration.

Rep. Haley requested that Amendment No. 3 be moved to the heel of the Amendments.

Rep. Stockburger requested that Amendment No. 4 be moved to the heel of the Amendments.

Rep. Fisher requested that Amendment No. 5 be moved to the heel of the Amendments.

Rep. Fisher requested that Amendment No. 6 be moved to the heel of the Amendments.

Rep. Gunnels moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. West moved to adopt Amendment No. 8 as follows:

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Amendment No. 8

AMEND House Bill No. 1143 by adding the following as a new Section to precede the effective date section:

SECTION \_\_\_\_ Tennessee Code Annotated, Title 67, Chapter 4, Part 17, is amended to add the following as a new section thereto:

Section \_\_\_\_ This act shall only apply to those municipalities and counties which adopt its provisions by a two-thirds (2/3) vote of the municipal or county legislative body.

On motion, Amendment No. 8 was adopted.

Rep. Dixon requested that Amendment No. 9 be moved to the heel of the Amendments.

Rep. West moved to adopt Amendment No. 10 as follows:

Amendment No. 10

Amend House Bill No. 1143 by deleting the amendatory language of Section 1 as amended in its entirety and substituting instead the following:

The government of any county having a metropolitan form of government with a population in excess of 100,000 according to the 1990 federal census or any subsequent federal census is authorized to pay the tax imposed by this part on behalf of the professionals subject to the tax who are employed by such governmental entity.

On motion, Amendment No. 10 was adopted.

Rep. Haley moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Stockburger moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Fisher moved that Amendment No. 5 and 6 be withdrawn, which motion prevailed.

Rep. Dixon moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. West moved that House Bill No. 1143, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes . . . . .	65
Noes . . . . .	7
Present and not voting . . . . .	20

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Chumney, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowkes, Gunnels, Halteman Harwell, Hassell, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 65.

Representatives voting no were: Allen, Callicott, Duer, Head, Phillips, Shirley, Windle -- 7.

Representatives present and not voting were: Brooks, Coffey, Givens, Haley, Hargrove, Haun, Johnson, Joyce, Lewis, Liles, McAfee, Owenby, Ramsey, Rigsby, Ritchie, Stamps, Stockburger, Walley, Westmoreland, Williams (Union) -- 20.

A motion to reconsider was tabled.

House Bill No. 1641 -- Shelby County -- Adds Greater Memphis African-American Tourism and Convention Commission to agencies receiving funds from Shelby County hotel occupancy tax revenues for promotion of tourism. Amends Chapter 131, Private Acts of 1969, as amended.

Further consideration of House Bill No. 1641, previously considered on May 3, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for May 5, 1993.

Rep. U. Jones moved that House Bill No. 1641 be passed on third and final consideration.

Rep. Haley moved to adopt Amendment No. 1, seconded by Rep. U. Jones, as follows:

Amendment No. 1

AMEND House Bill No. 1641 by deleting the first paragraph of the amendatory language of Section 1, and by substituting instead the following language:

(d) Notwithstanding any of the provisions contained herein to the contrary, any revenues produced from this tax over and above that amount which is required for each year's debt service on the existing and outstanding bonded indebtedness incurred by the city and the county for the construction of the existing Cook Convention Center, shall

be used as follows:

(1) The amount of the tax imposed and collected by operators from transients occupying rooms, lodgings or accommodations in hotels located in municipalities, other than the city of Memphis, shall be allocated and returned to such municipalities for tourism;

(2) All other funds shall be used to provide funding for the Convention and Visitors Bureau and the Greater Memphis African-American Tourism and Convention Commission (GMAATCC) or such successor agencies which deal with the promotion of tourism in Memphis and Shelby County. Subject to the availability of funds, the Convention and Visitors Bureau or its successor agency shall receive an amount of one million eight hundred thousand dollars (\$1,800,000) for fiscal year 1987-1988; provided further, that subject to the availability of funds, the amount of such funding shall increase by five percent (5%) per annum for each fiscal year thereafter until the tax provided for herein shall no longer be levied.

AND FURTHER AMEND by deleting the amendatory language of Section 2, and by substituting instead the following language:

(e) If there be excess revenues remaining after each year's debt service on the existing and outstanding bonded indebtedness incurred by the city and county for the construction of the existing Cook Convention Center and after funds have been allocated and returned to the municipalities, and the Convention and Visitor's Bureau or its successor agency, as prescribed in Section 10, subsection (d) hereof, such funds must be used for one of the following purposes or any combination thereof: (1) to fund the payment of any capital improvement project expenditures relative to the existing Cook Convention Center and Auditorium that have been made by the city and the county in the past, present, or future, including, but not limited to, debt service, interest, and pro rata issuance costs which are additional to the construction costs or, (2) to provide additional funding for the Convention and Visitors Bureau and the Greater Memphis African-American Tourism and Convention Commission or their successor agencies, or (3) to fund the operating deficit, if any, of the existing Cook Convention Center and Auditorium as designated by the Memphis City Council and the Shelby County Board of Commissioners.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved that House Bill No. 1641, as amended, be passed on third and final consideration, which motion prevailed by

the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 0540 -- Sewage -- Requires homeowner to furnish permit for subsurface sewage disposal system or proof that connection will be made to public sewerage system before electrical service will be provided. Amends TCA, Title 68, Ch. 221, Pt. 4.

On motion, House Bill No. 540 was made to conform with Senate Bill No. 491; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 491 be passed on third and final consideration.

On motion, Rep. Odom withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1, as follows:

#### Amendment No. 2

Amend Senate Bill No. 491 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated. Section 68-221-403(k)(2), is amended by deleting the language "expire on June 30, 1993, regardless of the date of issuance" and by substituting instead the language "not be issued after June 30, 1993"

Rep. Callicott moved that Amendment No. 2 be tabled, which

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motion failed by the following vote:

Ayes. . . . .	21
Noes. . . . .	64

Representatives voting aye were: Armstrong, Callicott, Coffey, Collier, Fowlkes, Haley, Hassell, Joyce, Kent, Liles, McAfee, Meyer, Ramsey, Ritchie, Shirley, Stamps, Thompson, Turner (Shelby), Westmoreland, Williams (Shelby), Wood -- 21.

Representatives voting no were: Allan, Anderson, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Halteman Harwell, Head, Hillis, Huskey, Johnson, Jones R. (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Lewis, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Stockburger, Stulce, Tindell, Turner (Hamilton), Walley, West, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 64.

Rep. Head renewed the motion to adopt Amendment No. 2, which motion prevailed.

Rep. Head moved to adopt Amendment No. 3, seconded by Rep. Odom as follows:

### Amendment No. 3

Amend Senate Bill No. 491 by adding the following as a new subsection to be designated as (e):

(e) This section shall not apply to those counties having on the date of this act countywide building permit programs; provided however, that those counties shall by letter certify to the Commissioner of the Department of Environment and Conservation that such programs do exist which require that a subsurface sewage disposal system permit be obtained prior to receiving a building permit.

Any county subsequent to the date of this act which adopts and establishes a countywide building permit program shall become exempt from this section provided that they meet the requirements of this subsection.

On motion, Amendment No. 3 was adopted.

Rep. Haun moved the previous question, which motion prevailed.

Rep. Odom moved that Senate Bill No. 491, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	85
Noes. . . . .	5
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Crain, Phelan, Phillips, Rigsby, Rinks -- 5.

Representatives present and not voting were: Shirley -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 491 and have this statement entered in the Journal: Rep(s). Duer.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 0775 -- Hospitals and Health Care Facilities -- Enacts "Tennessee Hospital Cooperation Act". Amends TCA, Title 68, Ch. 11.

Further consideration of Senate Bill No. 775, previously considered on today's Calendar.

Rep. McDaniel renewed the motion to adopt Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. McDaniel moved that Senate Bill No. 775, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 0735 -- Taxes, Assessment -- Establishes construction in process property tax rates. Amends TCA, Title 67.

On motion, House Bill No. 735 was made to conform with Senate Bill No. 438; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 438 be passed on third and final consideration.

Rep. Bragg requested that Finance, Ways and Means Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Westmoreland moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kisber moved to adopt Amendment No. 3 as follows:

#### Amendment No. 3

Amend Senate Bill No. 438 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_ Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 3 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that Senate Bill No. 438, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	83
Noes. . . . .	8
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Fisher, Fowlkes, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Duer, Givens, Halteman Harwell, McAfee, Stamps, West, Williams (Union), Windle -- 8.

Representatives present and not voting were: Ferguson, Ritchie -- 2.

A motion to reconsider was tabled.

\*House Bill No. 0210 -- Education, Dept. of -- Authorizes full time department employees with three years prior service as certified professional employees in Tennessee public school system to receive credit for such prior service in regard to longevity and annual leave. Amends TCA 8-23-206, 8-50-801.

Rep. Rhinehart moved that House Bill No. 210 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1, seconded by Rhinehart, as follows:

Amendment No. 1

AMEND House Bill No. 210 by deleting from the amendatory language of Section 1 the following:

employee has been employed as a certified professional employee in a Tennessee public school system for three years prior to acceptance of employment with the state department of education.

and by substituting instead the following:

qualifications for the position held by such employee in the state department of education requires the employee to have three (3) years experience as a professional employee in a Tennessee public school system.

AND FURTHER AMEND by deleting from the amendatory language of Section 2 the word "all" and by substituting instead the words and figure "three (3) years".

AND FURTHER AMEND by deleting from the amendatory language of Section 3 the words "full-time as staff of the state department of education" and by substituting instead the words and figure "in a full-time position of the state department of education which required three (3) years experience as a certified professional employee in a Tennessee public school system".

AND FURTHER AMEND by deleting the amendatory language of Section 4 in its entirety and by substituting instead the following:

For individuals holding full-time positions in the state department of education which require three (3) years experience as a certified professional employee in a Tennessee public school system, prior teaching or administrative experience in Tennessee public schools shall be creditable for purposes of subdivision (b)(1)-(5), not to exceed three (3) years.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Implementation of the provisions of this act shall be subject to funding being provided in the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 210, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	1
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Ball, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Caffcott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Eiles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland.



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Whitson, Williams (Shelby), Williams (Union), Williams (Williamson),  
Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91

Representatives voting no were: Shirley -- 1.

Representatives present and not voting were: Haley, Owenby,  
Severance -- 3.

A motion to reconsider was tabled.

House Bill No. 1447 -- Hospitals and Health Care Facilities --  
Requires mandatory hepatitis B and HIV testing of blood of health  
facility patient or employee, student or other health care provider  
exposed to patient's blood or body fluids. Amends TCA, Title 68, Ch.  
11, Pt. 2.

On motion, House Bill No. 1447 was made to conform with Senate  
Bill No. 1447; the Senate Bill was substituted for the House Bill.

Rep. Peroulas Draper moved that Senate Bill No. 1447 be passed  
on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources  
Committee Amendment No. 1.

Rep. Peroulas Draper moved that Senate Bill No. 1447 be passed  
on third and final consideration, which motion prevailed by the  
following vote:

Ayes:	93
Noes:	0
Present and not voting:	1

Representatives voting aye were: Allen, Anderson, Armstrong,  
Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd,  
Calliecott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer),  
Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson,  
Fisher, Fowkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove,  
Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby),  
Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis,  
Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore,  
Napier, Odum, Owenby, Peroulas Draper, Phelan, Phillips, Pinion,  
Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks,  
Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce,  
Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West,  
Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams  
(Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh --  
93.

Representatives present and not voting were: DeBerry -- 1.

A motion to reconsider was tabled.

**WEDNESDAY, MAY 5, 1993 -- FORTY-SECOND LEGISLATIVE DAY**

**House Bill No. 0885 -- Pardons and Paroles -- Enacts "Open Parole Hearings Act". Amends TCA 40-28-107.**

**On motion, House Bill No. 885 was made to conform with Senate Bill No. 1059; the Senate Bill was substituted for the House Bill.**

**Rep. Peroulas Draper moved that Senate Bill No. 1059 be passed on third and final consideration.**

**On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.**

**Rep. Peroulas Draper moved that Senate Bill No. 1059 be passed on third and final consideration, which motion prevailed by the following vote:**

<b>Ayes.</b>	<b>95</b>
<b>Noes.</b>	<b>0</b>

**Representatives voting aye were:** Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

**A motion to reconsider was tabled.**

**House Bill No. 1556 -- Civil Procedure -- Requires that trustee or representative be present at judicial or trust sale. Amends TCA, Title 35, Ch. 5, Pt. 1.**

**Rep. Clark moved that House Bill No. 1556 be passed on third and final consideration, which motion prevailed by the following vote:**

<b>Ayes.</b>	<b>95</b>
<b>Noes.</b>	<b>0</b>

**Representatives voting aye were:** Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson,

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Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 0920 -- Alcoholic Beverages --** Authorizes manufacturers to obtain a retail license to regulate the distribution of products containing alcohol by manufacturers. Amends TCA 57-3-204.

Rep. Rigsby moved that House Bill No. 920 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Rigsby, as follows:

**Amendment No. 1**

AMEND House Bill No. 920 by adding the following language at the end of subsection (g) of Section 1 as a new item:

5. A retail license issued under this subsection may be issued to a manufacturer or an affiliate of a manufacturer irrespective of the residency or domicile of the manufacturer, notwithstanding the requirements imposed by Section 57-3-204(b).

AND FURTHER AMEND subsection (h) of Section 1 by inserting the language "Title 57," between the language "A manufacturer licensed under Tennessee Code Annotated," and the word "Chapter".

AND FURTHER AMEND by adding the following language at the end of subsection (h) of Section 1:

No wholesaler may restrict the sale of a special decanter or commemorative bottle to a retail license held by a manufacturer or its affiliate but must make such special decanter or commemorative bottle available to any retailer licensed under Section 57-3-204.

AND FURTHER AMEND by adding the following language as a new Section 2 immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Section 57-3-204, is amended by adding thereto the following new subsection after the new subsection (h) added by Section 1:

(i) The provisions of subsection (g) of this section shall apply only in those jurisdictions where the voters of such jurisdiction have, by local option election, approved the issuance of such special retail license. Such local option election shall be conducted in the manner prescribed in Section 57-3-106, provided that the question submitted to the voters shall be in the following form:

To permit licensed manufacturers to obtain a license to sell alcoholic beverages at retail in (here insert jurisdiction).

Not to permit licensed manufacturers to obtain a license to sell alcoholic beverages at retail in (here insert jurisdiction).

On motion, Amendment No. 1 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2, seconded by Rep. Rigsby, as follows:

**Amendment No. 2**

Amend House Bill No. 920 by adding to the amendatory language of Section 2 of the bill, as amended, the following additional sentence:

In any county having within its boundaries a manufacturer or affiliate of a manufacturer, where the voters of municipalities located within such county have approved the sale of alcoholic beverages, pursuant to 57-3-106, and where the total population of such municipalities exceeds fifty percent (50%) of the population of the county, no such referendum shall be required. Provided, however, the authorized retail sales by a manufacturer where no referendum is required is not effective until January 1, 1995.

On motion, Amendment No. 2 was adopted.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Rigsby moved that House Bill No. 920, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	68
Noes. . . . .	22
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bragg, Brown, Buck, Callicott, Chumney, Clark, Coffey, Cole

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(Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Fowkes, Givens, Gunnels, Hargrove, Hassell, Haun, Head, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Knight, Liles, Love, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wix, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Bittle, Byrd, Cross, Ferguson, Haley, Halteman Harwell, Herron, Hillis, Kisber, Lewis, McAfee, McDaniel, Phillips, Pinion, Ramsey, Ritchie, Stockburger, Walley, West, Williams (Union), Windle, Wood -- 22.

Representatives present and not voting were: Boyer, Brooks, Fisher -- 3.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on House Bill No. 920 and have this statement entered in the Journal: Rep(s). Stamps.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 0888 -- Motor Vehicles -- Directs department of safety to promulgate uniform traffic citation forms for use by all law enforcement officers. Amends TCA, Title 55, Ch. 10.

On motion, House Bill No. 888 was made to conform with Senate Bill No. 1064; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 1064 be passed on third and final consideration.

On motion, Rep. Napier withdrew Transportation Committee Amendment No. 1.

Rep. Ritchie moved that Senate Bill No. 1064 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove,

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Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
May 5, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 832; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 0832 -- Medicine, Practice of --** Revises penalty for division of fees by physicians from Class B to Class A misdemeanor. Amends TCA, Title 63, Ch. 6, Pt. 2. by \*Ford.

**REGULAR CALENDAR, CONTINUED**

\***House Bill No. 0454 -- Medicine, Practice of --** Revises penalty for division of fees by physicians from Class B to Class A misdemeanor. Amends TCA, Title 63, Ch. 6, Pt. 2.

On motion, House Bill No. 454 was made to conform with Senate Bill No. 832; the Senate Bill was substituted for the House Bill.

Rep. Dixon moved that Senate Bill No. 832 be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Dixon moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Dixon moved that Senate Bill No. 832 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove,

Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

#### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 0531 -- Cemeteries -- Enacts "Cemetery Access Road Maintenance Act of 1993". Amends TCA, Title 46.

#### Senate Amendment No. 1

Amend House Bill No. 531 by deleting the first sentence of Section 6 and by substituting instead the following:

This act shall have no effect unless it is approved by a two-thirds (2/3) majority vote of the county legislative body of any county having a population of not less than one hundred three thousand one hundred (103,100) nor more than one hundred three thousand four hundred (103,400), according to the 1990 federal census or any subsequent federal census.

Rep. Stamps moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 531, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix,

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Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Armstrong, Haley -- 2.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE MESSAGE

\*Senate Bill No. 0601 -- Labor -- Revises type of association representing certain education employees which may enter into agreements for payroll deduction without meeting certain criteria. Amends TCA 8-23-204.

Rep. U. Jones moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 and 3 to Senate Bill No. 601, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1373 -- Education, Dept. of -- Establishes a summer science enrichment pilot program for inner city minority students grades 7-12. Amends TCA, Title 49.

#### Senate Amendment No. 1

Amend House Bill No. 1373 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_ Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

Rep. DeBerry moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 1373, which motion prevailed.

#### UNFINISHED BUSINESS

#### MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 821; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.



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MESSAGE FROM THE SENATE  
May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 553; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 207; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0207 -- Memorials, Death -- James William Holcomb. by \*Atchley, \*Patten, \*McNally.

RULES SUSPENDED

Rep. Buck moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 315 could be heard by the Judiciary Committee after session, Thursday, May 6, 1993, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, May 6, 1993:

House Bill No. 820: Rep. Herron.

House Bill No. 821: Rep. Herron.

House Bill No. 553: Rep. Rinks.

House Bill No. 1102: Rep. Wood.

House Bill No. 1534: Rep. Purcell.

RULES SUSPENDED

Rep. Ramsey moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 207 out of order, which motion prevailed.

Senate Joint Resolution No. 0207 -- Memorials, Death -- James William Holcomb.

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On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Ramsey, the resolution was concurred in.

A motion to reconsider was tabled.

#### **RULES SUSPENDED**

Rep. DeBerry moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that study resolutions reported out of Standing Committees this week can be heard by the Study Resolution Subcommittee of the Calendar and Rules Committee on Thursday, May 6, 1993, which motion prevailed.

#### **SPONSORS ADDED**

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 445: Rep(s). Cross as prime sponsor(s).

House Bill No. 527: Rep(s). Kernell as prime sponsor(s).

House Bill No. 885: Rep(s). Bittle and Williams (Union) as prime sponsor(s).

House Bill No. 891: Rep(s). Peroulas Draper, Tindell, Johnson and Kisber as prime sponsor(s).

House Bill No. 1049: Rep(s). Head as prime sponsor(s).

House Bill No. 1289: Rep(s). Bittle as prime sponsor(s).

House Bill No. 1332: Rep(s). Liles as prime sponsor(s).

House Bill No. 1447: Rep(s). Bittle as prime sponsor(s).

House Resolution No. 52: Rep(s). Kisber as prime sponsor(s).

#### **REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Bill No. 615: Rep(s). Johnson.

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MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill No. 656.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, then ~~repassed~~ the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1012; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 622 and 660; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 5, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 273, 274, 276, 277, 278 and 279.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 273, 274, 276, 277, 278 and 279; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

WEDNESDAY, MAY 5, 1993 -- FORTY-SECOND LEGISLATIVE DAY

MESSAGE FROM THE SENATE  
May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 403 and 581; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 415; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 224, 225, 243, 281, 369, 374, 398, 473, 543, 567, 659, 745, 787, 845, 1008, 1358 and 1565; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 65, 80, 84 and 190; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 24, 234, 746, 979, 1202, 1286 and 1655; also, House Joint Resolution(s) No(s). 47 and 62; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
May 5, 1993

MR. SPEAKER: I am directed to return to the House, House

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Bill(s) No(s). 31, 354, 381, 530, 420, 472, 640, 657, 790, 880, 991, 1343, 1371, 1430, 1643 and 1645; also, House Joint Resolution(s) No(s). 100, 106, 107, 194, 237, 239, 240, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 255, 256, 257, 259, 265, 266 and 267; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 341, 907, 927, 1122, 1321 and 1414; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

\*Senate Bill No. 0341 -- Hospitals and Health Care Facilities -- Revises freezer standards for nursing homes. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5. by \*Ford.

\*Senate Bill No. 0907 -- Motor Vehicles -- Authorizes car rental companies to charge 2 percent surcharge on each rental contract; authorizes surcharge revenues to be remitted to state general fund. by \*Cooper.

\*Senate Bill No. 0927 -- Workers' Compensation -- Broadens commissioner's power with respect to approval of carrier's classification of risks and premiums; removes authority from governor and secretary of state. Amends TCA 50-5-306, 50-6-502. by \*Patten.

\*Senate Bill No. 1122 -- Private Investigators -- Makes certain regulatory changes. Amends TCA, Title 62, Ch. 26. by \*Kyle.

\*Senate Bill No. 1321 -- Highway Signs -- Codifies maximum distance that motorist service business may be located from primary point of intersection to qualify for logo signs; makes certain exceptions. Amends TCA, Title 54, Ch. 5, Pt. 11. by \*Patten.

\*Senate Bill No. 1414 -- Criminal Offenses -- Makes it a criminal offense to assault a school employee in retaliation for act performed in course of school employee's duties. Amends TCA, Title 39, Ch. 13, Pt. 1. by \*Albright, \*Wright, \*Person, \*Crutchfield, \*Crowe, \*Springer, \*Leatherwood, \*Jordan.

ENGROSSED BILLS

May 5, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 210,

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920, 1143, 1556 and 1641.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, May 6, 1993.